

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-20048

v.

Honorable Thomas L. Ludington

LEE HENRY BERRY,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE AS  
MOOT**

On November 30, 2005, Defendant was indicted by a grand jury of four counts of possession with intent to distribute cocaine, cocaine base, or Diazepam and one count of felon in possession of firearm and one count of possessing a stolen firearm. ECF No. 3. Defendant was found guilty of three counts of possession with intent to distribute cocaine or cocaine base and one count of felon in possession of a firearm. ECF No. 85. Defendant was sentenced to 360 months for each count to run concurrent with each other, but consecutive to Defendant's state court sentence. *Id.* The Government indicated that Defendant was granted clemency and his sentence was reduced to 180 months. ECF No. 183.

Defendant filed a pro se motion for compassionate release due to the spread of COVID-19. ECF No. 182. Due to mailing delays caused by COVID-19, the motion was docketed on June 26, 2020, but in accordance with 20-AO-26, the date the motion was signed, April 29, 2020, was used for the filing date. United States informed the Court that on June 5, 2020 the Bureau of Prisons approved Defendant for home confinement. ECF No. 183. Defendant transitioned to home confinement on June 5, 2020. *Id.* at PageID.183-1.

Accordingly, it is **ORDERED** that Defendant's Motion for Compassionate Release, ECF No. 182, is **DENIED** as moot.

Dated: July 10, 2020

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **Lee Henry Berry** #05032-039, ELKTON FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 10, LISBON, OH 44432 by first class U.S. mail on July 10, 2020.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager